

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARK BROWNE,

Petitioner,

v.

ROBERT CHETIRKIN, et al.,

Respondents.

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Civ. No. 23-23399 (JKS)

MEMORANDUM AND ORDER

SEMPER, District Judge

Pro se petitioner Mark Browne, a prisoner at East Jersey State Prison in Rahway, New Jersey, seeks to file a writ of habeas corpus pursuant to 28 U.S.C. § 2254. DE 1. A habeas petition must include either a \$5.00 filing fee or an application to proceed *in forma pauperis* (“IFP”). 28 U.S.C. §§ 1914(a), 1915(a). A prisoner who seeks to proceed IFP must file (1) a completed affidavit of poverty; and (2) a certification signed by an authorized prison official certifying (a) the amount presently on deposit in the prisoner’s prison account, and (b) the greatest amount on deposit in the prison account during the six months prior to the date of the certification. *See* Local Civil Rule 81.2(b). If the prison account exceeds \$200.00, the prisoner is not eligible to proceed IFP, and the application will be denied.

Here, Petitioner did not include either a \$5.00 filing fee or an IFP application. Thus, the Court will administratively terminate the case and direct the Clerk of the Court to provide Petitioner with the proper IFP form. Petitioner may reopen this matter by either paying the filing fee or submitting an IFP application on the proper form with the appropriate certification and supporting documents.

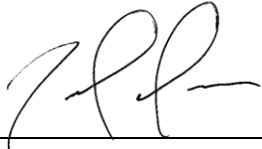
IT IS, therefore, on this 23rd day of January, 2024,

ORDERED that the Clerk of the Court shall administratively terminate this proceeding; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that, if the case is reopened, it is not subject to the statute of limitations time bar provided the original petition was timely; and it is further

ORDERED that Petitioner may have this proceeding reopened, if, within 30 days of the date of the entry of this order, he either pre-pays the \$5.00 fee or submits to the Clerk a complete signed IFP application, including a complete affidavit and the required certification of an officer of the institution; and it is further

ORDERED that, upon receipt of a writing from Petitioner stating that he wishes to reopen this proceeding and either a complete IFP application or filing fee within the time allotted by this Court, the Clerk will be directed to reopen this proceeding; and it is further

ORDERED that the Clerk shall serve a copy of this Memorandum and Order and a blank Application to Proceed In Forma Pauperis in a Habeas Corpus Case, form DNJ-Pro Se-007-B- (Rev. 09/09), upon Petitioner by regular U.S. mail.



JAMEL K. SEMPER, U.S.D.J.